

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

—X—

BERIAM ORTIZ,

Plaintiff,

-against-

ERIN KATHLEEN BARLOW, TOYOTA  
MOTOR CREDIT CORP., and CAROL  
SHERMAN,

Defendants.

—X—

**NOTICE OF MOTION**

07-CV-10365

PLEASE TAKE NOTICE that upon the annexed affirmation of ELIZABETH M. PENDZICK, dated the 18<sup>th</sup> day of April, 2008, the affidavit of plaintiff BRIAM ORTIZ, sworn to the 18<sup>th</sup> day of April, 2008, and all the exhibits annexed thereto, the undersigned will move this Court located at 500 Pearl Street, New York, New York on the \_\_\_\_\_<sup>st</sup> day of \_\_\_\_\_, 2008, at 9:30 A.M. or as soon thereafter as counsel can be heard, for an order, pursuant to FRCP 56:

1. GRANTING SUMMARY JUDGMENT IN FAVOR OF THE PLAINTIFF, AND AGAINST DEFENDANT ERIN KATHLEEN BARLOW, ON THE ISSUE OF LIABILITY, and
2. FOR SUCH OTHER AND FURTHER RELIEF AS THE COURT DEEMS JUST AND PROPER.

Yours, etc.  
JAY S. HAUSMAN & ASSOCIATES, P.C.

By:

ELIZABETH M. PENDZICK  
Attorneys for Plaintiff  
280 North Central Avenue, Suite 40  
Hartsdale, New York 10530  
(914)946-3344

TO:

EUSTACE & MARQUEZ  
1311 Mamaroneck Avenue, 3<sup>rd</sup> Floor  
White Plains, New York, 10605

ANTHONY D. PERRI, ESQ.  
17 State Street, 25<sup>th</sup> Floor  
New York, New York 10004,

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

BERIAM ORTIZ,

Plaintiff,

AFFIRMATION IN SUPPORT

-against-

07-CV-10365

ERIN KATHLEEN BARLOW, TOYOTA  
MOTOR CREDIT CORP., and CAROL  
SHERMAN,

Defendants.

-----X

ELIZABETH M. PENDZICK, an attorney duly admitted to practice in the United States District Court for the Southern District of New York, does hereby affirm, under penalty of perjury:

1. I am a member of JAY S. HAUSMAN & ASSOCIATES, P.C., counsel for the plaintiff, Beriam Ortiz.

2. I make this Affirmation in support of the within motion for partial summary judgment, determining issues of liability in favor of the plaintiff, and against defendant ERIN KATHLEEN BARLOW.

3. In support of the within application, I submit the following documentation:

Exhibit A: The Summons and Complaint

Exhibit B: The Answers of the Defendants

Exhibit C: The Notice of Removal

Exhibit D: The Stipulation of Discontinuance Against Defendant Toyota

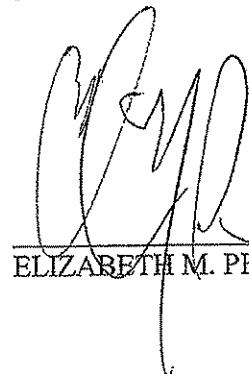
Exhibit E: The Affidavit of Plaintiff, Beriam Ortiz

Exhibit F: The Police Report

4. For the reasons set forth in the annexed Memorandum of Law, partial summary judgment is appropriate.

WHEREFORE, plaintiff's motion should be granted by this Honorable Court.

Dated: Hartsdale, New York  
April 18, 2008



ELIZABETH M. PENDZICK